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PATENT COOPERATION TREATY

PCT/FR2003/000141



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/000141	International filing date (day/month/year) 17 janvier 2003 (17.01.2003)	Priority date (day/month/year) 21 janvier 2002 (21.01.2002)
International Patent Classification (IPC) or national classification and IPC H04L 29/06		
Applicant CARLIPA SYSTEMS et al.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>5</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 18 août 2003 (18.08.2003)	Date of completion of this report 16 April 2004 (16.04.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/000141

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

☐ the international application as originally filed.

☒ the description, pages 1-12, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the claims, Nos. \_\_\_\_\_, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. 1-22, filed with the letter of 23 March 2004 (23.03.2004),  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the drawings, sheets/fig 1/2-2/2, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/FR 03/00141**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-22	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-22	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims		NO

**2. Citations and explanations**

- D1: US 2001/023429 A1 (RAFTER MARK T ET AL) 20 September 2001 (2001-09-20);
- D2: EP-A-0 913 974 (SOHARD AG) 6 May 1999 (1999-05-06);
- D3: EP-A-0 394 939 (SONY CORP) 31 October 1990 (1990-10-31).

**I.**

1. The subject matter of claim 1 does not involve an inventive step under the terms of PCT Article 33(3) for the following reasons:

- 1.1 Document D1, which is considered to be the closest prior art, describes a media broadcasting system including at least one client application (publishing element 25, see figure 2) and a broadcast engine (broadcasting element 26), characterised in that said client application includes:

- production means for producing at least one pending list (package, paragraph 22, lines 1-3) including at least one media item (any unit of multimedia information; see above) to be broadcast, and
- transmission means for transmitting said pending list to said broadcast engine (content submission, paragraph 27, lines 1-2)

and in that said broadcast engine includes:

- a broadcast session including a management module (content distribution engine 23, see figure 2) for receiving said pending list from said client application and inserting said list into a main list including a plurality of pending lists (the content distribution engine 23 provides the ability to schedule broadcasts, paragraph 28, lines 3-6; the content distribution engine 33 generates program schedules, paragraph 29, lines 10-11; ad-hoc scheduling, paragraph 43), and a broadcast module (data broadcast system 34; the packaged data [...] are broadcast, paragraph 56, lines 5-7) for broadcasting the content of said main list by means of a media broadcast member, and
- a supervision module for authenticating at least one client application seeking access to said broadcast engine and, where appropriate, opening a broadcast session (conditional access by clients and content providers, paragraph 29, lines 8-10; claim 10).

1.2 The **main difference** between the subject matter of

claim 1 of the present application and the closest prior art, D1, is that the first item contains an absolute starting time corresponding to the broadcast time thereof, which absolute starting time is a number expressed in microseconds and obtained in relation to a predetermined time origin.

- 1.3 The **problem** that corresponds to this main difference and is **solved** can, therefore, be considered to be that of automatically providing pending lists in the main list.
- 1.4 This problem is mentioned in D2 ("Mittel zur automatische Einführung von Objekten in ein Schema können [...] vorgesehen werden", see paragraph 25, lines 1-3), which envisages a **similar solution** to the one disclosed in the present application (see paragraph 17: "[...] ist es möglich [...] die Zeit für den Erhalt des Objekts in Milisekunden [...] anzugeben" and paragraph 27: "das Sendekriterium des Schemas kann einen der folgenden Werte annehmen: zeitgesteuert: das Schema wird nun zu der Uhrzeit und an dem Datum gesandt").
- 1.5 Time is measured in milliseconds in D2 whereas, in the present application, microseconds are used. Mathematically, the use of milliseconds to express time is equivalent to the use of microseconds. As a result, the difference is merely an alternative presentation of the same information. This difference cannot be considered to constitute an invention (PCT Rule 39.1(v)).
- 1.6 A **second difference**, which is unrelated to the main difference mentioned above, between the subject

matter of claim 1 of the present application and D1 is the reference clock for synchronising all of the components of the broadcast engine.

- 1.7 Providing such a clock is a **routine technical step** for a person skilled in the art of media broadcasting (see, for example, document D3, column 6, lines 9-12 and figure 2).
- 1.8 It follows that the subject matter of claim 1 **does not involve an inventive step** (PCT Article 33(3)).
2. Claim 17 relates to a method corresponding to the system of claim 1 and the same line of argument is, therefore, applicable. In conclusion, claim 17 does not fulfil the requirements set forth in PCT Article 33(3).
3. Dependent claims 2-3, 5, 6, 9-11, 13-16, 18 and 21-22 do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirements of novelty and inventive step because they are either known from the prior art (claims 2, 9-11 and 18) or are commonplace measures (claims 3, 5-6, 12-16, 21 and 22).